

Date: Mon, 31 Jan 94 04:30:22 PST
From: Ham-Policy Mailing List and Newsgroup <ham-policy@ucsd.edu>
Errors-To: Ham-Policy-Errors@UCSD.Edu
Reply-To: Ham-Policy@UCSD.Edu
Precedence: Bulk
Subject: Ham-Policy Digest V94 #32
To: Ham-Policy

Ham-Policy Digest Mon, 31 Jan 94 Volume 94 : Issue 32

Today's Topics:

Amateur Radio Service Joint Resolution?
Antenna Lawsuit
ARRL's Lifetime Amateur licenses
FCC Preemption ruling
Mail,etc. over packet
Tech->General Upgrade Question

Send Replies or notes for publication to: <Ham-Policy@UCSD.Edu>
Send subscription requests to: <Ham-Policy-REQUEST@UCSD.Edu>
Problems you can't solve otherwise to brian@ucsd.edu.

Archives of past issues of the Ham-Policy Digest are available
(by FTP only) from UCSD.Edu in directory "mailarchives/ham-policy".

We trust that readers are intelligent enough to realize that all text
herein consists of personal comments and does not represent the official
policies or positions of any party. Your mileage may vary. So there.

Date: 28 Jan 1994 17:03:49 GMT
From: agate!howland.reston.ans.net!vixen.cso.uiuc.edu!uxa.cso.uiuc.edu!
btbg1194@network.ucsd.edu
Subject: Amateur Radio Service Joint Resolution?
To: ham-policy@ucsd.edu

Are your senators and congressman co-sponsors of these bills which are
presently going through the house and the senate? If not, then write
them a letter! (And if they are, write them a letter to thank them for
sponsoring the bill which recognizes the amateur radio service as a
national resource.)

Write your letters today! (See Jan & Feb 94 QST for more information...
I will try to post some more info soon as well.)

You might be able to get your representative & senators names and addresses
from the blue pages of your phone book.

73 de kb8cne, Brad Banko

--

Brad Banko; Univ of Illinois; b-banko@uiuc.edu
===== Ich habe kein Bock mehr zu schreiben. =====
See one. Do one. Teach one. 73 de kb8cne @ n9lnq.il

Date: Fri, 28 Jan 1994 12:36:53 GMT
From: mdisea!mothost!lmpsbbs!news@uunet.uu.net
Subject: Antenna Lawsuit
To: ham-policy@ucsd.edu

In article 666@world.std.com, drt@world.std.com (David R Tucker) writes:
{It's just Pat! (pat@boy.com) wrote:
{
{: Put in in perspective--a BIG ugly tower next door to you would
{: make your property worthless. CC&Rs are wonderful for
{: preserving a neighborhood's charm and character. If you live on a small
{: lot, you should be respectful of your neighbors.
{
{Worthless? I keep reading that careful studies show that towers
{have no or almost no effect on house prices. Can anyone point to
{real *solid* evidence on this?
{
{-drt
{
{-----

{|David R. Tucker KG2S drt@world.std.com|
{-----
{| Adams: In the middle of the afternoon?? |
{| Franklin: Not everyone is from Boston, John. |
{| -"1776" |
{-----

I concur with David. A friend of mine lived in an upscale area and had a tower.
Once at a party one of his other ham buddies mentioned the tower to a neighbor,
the neighbors reply was "What Tower."

Bruce, WB4YUC, e1 YUCC0. . .

Date: Fri, 28 Jan 1994 16:27:43 GMT
From: microsoft!wingnut!edmitch@uunet.uu.net
Subject: ARRL's Lifetime Amateur licenses

To: ham-policy@ucsd.edu

Just FYI - A pilot's license issued by the FAA is good for life. You are required to hold a current medical exam certificate and if you wish to take passengers, you must have completed 3 takeoff and landings within 90 days. You also have to do a biennial flight review with an instructor (every two years).

There is precedent for a lifetime license.

One problem with lifetime licenses is that there is no good way to determine - in the ham case - when someone is no longer active or even deceased. The result is an artificially high number of Amateur radio operators listed in the rolls. From a political standpoint this could be valuable to the Amateur community as it creates a peculiar "smoke and mirrors" view of their being many more hams than there might actually be. Today, with our ten year license and the average ham age around 50 (I used to know this stuff in detail but I could be off a bit), somebody did a statistical analysis and came to the conclusion that 10% of the currently licensed hams are possibly dead - a fact that is not known until their 10 year life license was not renewed.

Ed Mitchell

KF7VY

edmitch@microsoft.com

"These opinions are my own and nobody else's."

Date: Thu, 27 Jan 1994 19:33:38 GMT

From: nntp.ucsb.edu!library.ucla.edu!agate!headwall.Stanford.EDU!unixhub!fnnews.fnal.gov!att-in!cbnewsc!k9jma@network.ucsd.edu

Subject: FCC Preemption ruling

To: ham-policy@ucsd.edu

In article <CK9Jv2.KD4@world.std.com> cravit@world.std.com (Matthew Cravit N9VWG) writes:

>to hams, but it also says that the federal preemption does not apply,
>and I want to find out why not. Besides, that way, if I have a
>problem I can say to the cops, "look, here are both state and Federal
>laws which prove I can have this radio in my car".

And then the cops can unholster their law and prove that you _can't_ have the radio. 1/2 8-) They may certainly seize anything they believe to be evidence of crime.

Seriously, it isn't a good idea to try to argue law with the police. The

policeperson in the field isn't trained to, or expected to, make judgements about the fine points of law. If the policeperson thinks, correctly or not, that a violation has occurred in its presence it is expected to take action to bring the (suspected) perpetrator to court for trial along with available evidence. Issues of law are going to be decided in court, by the trial judge - not in a debate with the policeperson in the street.

When talking to the police you are in a situation where they are trying to carry out their duty to issue a citation, summons, or something similar or make an arrest (for something more serious than a traffic violation). The policeperson may legitimately add "resisting arrest" or "obstructing an officer" or some similar charge if you are argumentative.

The last thing we need is for police to begin to think of hams as argumentative, jailhouse lawyer types who give them trouble. Best to avoid all contact with police and be circumspect in use of radios so they don't even notice them.

73

--

Ed Schaefer

K9JMA ham radio

N97178 aviation

Date: Sat, 29 Jan 1994 00:11:30 GMT

From: ucsnews!sol.ctr.columbia.edu!howland.reston.ans.net!gatech!swrinde!sgiblab!sgigate.sgi.com!olivea!news.bu.edu!news.bbn.com!petra!zds-oem!

news@network.ucsd.edu (Earl Morse)

Subject: Mail,etc. over packet

To: ham-policy@ucsd.edu

In article <2i8gv3\$1ip@sugar.NeoSoft.COM> xraytech@sugar.NeoSoft.COM (A great x ray technician!) writes:

>In article <CK7opu.FnG@world.std.com>,

>Ian P McCullough <ipm@world.std.com> wrote:

>>profanity. My question is... While not exactly in the open spirit of ham

>>radio, would it be illegal to encrypt something with profanity in it with

>>say PGP or some equivalent and then send it in the normal fashion. It

>>seems as though the legality is correct but the morality is wrong. What

>>are the details here?

>>

>

>Why is it even NECESSARY to transit profanity over amateur radio? It seems

>contrary to Part 97. I trust you have a copy of that document.

>

Besides the use of codes, ciphers, and encryption are not allowed.

See Part 97.117.

Earl Morse
KZ8E
e.morse@zds.com

Date: Thu, 27 Jan 1994 23:16:25 GMT
From: world!drt@uunet.uu.net
Subject: Tech->General Upgrade Question
To: ham-policy@ucsd.edu

: In article <1994Jan26.235533.12729@radian.uucp> philr%radian@natinst.com (Phil Riba) writes:

: >I upgraded my original Novice license to my current Technician license
: >about eight years ago. I'm thinking about brushing up on my code to go
: >for my General.

: >Is it still just a code test, or is there more to it with the new
: >license structure? Is there some statute of limitations time period
: >that I should be concerned with?

An original Technician license issued *before 21 March 1987* is good for credit on 2, 3A, and 3B (as well as 5 wpm). So in that case only the 13 wpm code test is required for the General license. An obscure grandfather clause. 97.505a(1).

-drt

|David R. Tucker KG2S drt@world.std.com|

| Adams: In the middle of the afternoon?? |
| Franklin: Not everyone is from Boston, John. |
-"1776"

Date: Fri, 28 Jan 1994 19:57:12 GMT
From: hearst.acc.Virginia.EDU!murdoch!faraday.clas.Virginia.EDU!clh6w@uunet.uu.net
To: ham-policy@ucsd.edu

References <hamilton.759688160@BIX.com>, <CKBFs2.4uJ@ucdavis.edu>,
<hamilton.759733821@bix.com>a.ED
Subject : Re: Antenna Lawsuit/CC&Rs

In article <hamilton.759733821@bix.com>,
hamilton on BIX <hamilton@BIX.com> wrote:

>a CC&R placed on their neighbors; it was how on earth can they be
>enforcable. It's a legal question: what is the applicable law?

The applicable law is the maintenance of contracts between individuals.
Ned AB6FI

Date: Fri, 28 Jan 1994 19:53:13 GMT
From: hearst.acc.Virginia.EDU!murdoch!faraday.clas.Virginia.EDU!clh6w@uunet.uu.net
To: ham-policy@ucsd.edu

References <CK9B8s.Cwv@cscsun.rmc.edu>, <CKALnI.K4o@murdoch.acc.Virginia.EDU>,
<1994Jan28.162755.8254@csd-newshost.stanford.edu>
Subject : Re: Antenna Lawsuit

In article <1994Jan28.162755.8254@csd-newshost.stanford.edu>,
Marc T. Kaufman <kaufman@Xenon.Stanford.EDU> wrote:
>

>Small correction. The government only records CC&Rs. It does not enforce
>them, as it has no standing to do so

Yes it does in the judicial system. You violate my CC&R's, I sue you in
court.

Date: Sat, 29 Jan 1994 01:15:46 GMT
From: brunix!maxcy2.maxcy.brown.edu!md@uunet.uu.net
To: ham-policy@ucsd.edu

References <1994Jan25.190506.1748@es.dupont.com>,
<1994Jan26.142439.19433@cs.brown.edu>, <CKCHqo.60z@world.std.com>
Subject : Re: ARRL's Lifetime Amateur licenses

In article <CKCHqo.60z@world.std.com>,
collinst@world.std.com (Thomas Collins) writes:

|> Then I suggest you make that clear in either your message,
|> or the *quoted* portion you include. If you re-read your
|> you original message it can be taken either way.

Since the point of the whole thread was retesting those who let
their licenses lapse, I didn't think it was necessary. I'll

endeavor to do this for the uneducated in the near future.

MD

--

-- Michael P. Deignan
-- Population Studies & Training Center
-- Brown University, Box 1916, Providence, RI 02912
-- (401) 863-7284

Date: Fri, 28 Jan 1994 16:27:55 GMT
From: ucsnews!sol.ctr.columbia.edu!howland.reston.ans.net!agate!
headwall.Stanford.EDU!CSD-NewsHost.Stanford.EDU!Xenon.Stanford.EDU!
kaufman@network.ucsd.edu
To: ham-policy@ucsd.edu

References <1994Jan24.213138.7571@cs.brown.edu>, <CK9B8s.Cwv@cscsun.rmc.edu>,
<CKALnI.K4o@murdoch.acc.Virginia.EDU>ewsHost.
Subject : Re: Antenna Lawsuit

In article <CKALnI.K4o@murdoch.acc.Virginia.EDU> clh6w@faraday.clas.Virginia.EDU
(Carole L. Hamilton) writes:
>You guys still don't have the concept of CC&R's correct. I'm against them
>too but let me explain them:
>CC&R's have nothing to do with the government. They are filled by landowners
>to maintain certain restrictions. The only role that the government plays
>is to record them as a public record and to enforce them. But CC&R's are
>nothng more than contracts between PRIVATE individuals.

Small correction. The government only records CC&Rs. It does not enforce
them, as it has no standing to do so unless it owns some land covered by
the CC&Rs. Enforcement is entirely in the hands of the Homeowners association
or other entity that owns the CC&R rights.

Marc Kaufman (kaufman@CS.Stanford.edu)

Date: Thu, 27 Jan 1994 14:09:27 GMT
From: hearst.acc.Virginia.EDU!murdoch!faraday.clas.Virginia.EDU!clh6w@uunet.uu.net
To: ham-policy@ucsd.edu

References <1994Jan25.140353.3227@cs.brown.edu>, <2i42rf\$bn5@hpcchase.rose.hp.com>,
<18129@uswnvg.uswnvg.com>
Subject : Re: Antenna Lawsuit

In article <18129@uswnvg.uswnvg.com>, Clay Jackson <cjackso@uswnvg.com> wrote:

>John Blake (jblake@train.rose.hp.com) wrote:
>copy at 5:00 PM on the third day. I then got the builder (who WAS the
>Homeowners Association, in conjunction with the developer, a different
>group) to SPECIFICALLY EXEMPT IN WRITING a couple of little 'add-ons'
>(like a storage shed, my 'weather station mast' (the guy wires of which are a

Unfortunately this little add-on may not be legally binding and you may have no additional rights.

Once CC&R's are recorded they then "belong" to the surrounding property owners. The original author can not later lessen the restrictions with a separate agreement with you. If the add-ons that you got were made as an exemption by the "recorded" administrator of the Covenants then perhaps you are OK but it sort of makes the CC&R's meaningless if the builder is granting exemptions to new-comers.

Again caveat emptor, CC&R's are extremely difficult to fight.

Ned AB6FI

Date: Thu, 27 Jan 1994 18:31:22 GMT
From: mvb.saic.com!unogate!news.service.uci.edu!usc!howland.reston.ans.net!
cs.utexas.edu!swrinde!sgiblab!uhog.mit.edu!news.mtholyoke.edu!world!
cravit@network.ucsd.edu
To: ham-policy@ucsd.edu

References <hamilton.759428844@BIX.com>, <1994Jan24.213138.7571@cs.brown.edu>,
<19940127.00254492.edellers@delphi.com>
Subject : Re: Antenna Lawsuit

In article <19940127.00254492.edellers@delphi.com>,
Ed Ellers <edellers@delphi.com> wrote:
>Michael P. Deignan <md@maxcy2.maxcy.brown.edu> writes:

>
>>People in this country no longer want to take responsibility for their
>>own actions. Mr. Stoner bought a piece of property with a contractual
>>restriction on it. The law does not excuse one from those contractual
>>obligations just because "he didn't know about it" or "forgot to ask
>>about it".
>
>The law also does not allow unconscionable restrictions to be placed on
>property, even by "contractual obligations." You can't bar resale to someone
>of the "wrong" color or religion, for example. Don feels that an antenna ban
>is another example of a restriction that is unconscionable and contrary to
>public policy, and I happen to agree.

Agreed. As an aside, what was the FCC's rationale for stating that
PRB-1 does not apply to CC&Rs? If they can overturn local and state
laws, why do they not have the power to overturn CC&Rs with the same

restrictions?

/Matthew

--

Matthew Cravit, N9VWG
Michigan State University
East Lansing, MI 48825
E-Mail: cravit@world.std.com

| All opinions expressed here are
| my own. I don't speak for The World,
| and they don't speak for me (luckily
| for both of us).

End of Ham-Policy Digest V94 #32
